



**Council Agenda, City of Council Bluffs, Iowa
Regular Meeting May 31, 2017, 5:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

AGENDA

1. CALL TO ORDER

2. ORDINANCES ON 1ST READING

A. Ordinance 6295

Ordinance to amend Title 12 Council Bluffs Fire Code, by amended
"Section 12.01.20-Section 3301.1.3 amended"

B. Ordinance 6296

Ordinance to amend Chapter 4.50 Noise Control, by amending Section
4.50.060 "Prohibited Acts" subsection (J) entitled "Explosives, firearms
and similar devices"

3. RESOLUTIONS

A. Resolution 17-115

Resolution regarding the sale of fireworks in Council Bluffs, Iowa.

4. OTHER BUSINESS

5. ADJOURNMENT

DISCLAIMER:

*If you plan on attending this meeting and require assistance please notify
the City Clerk's office at (712) 328-4616, by 5:00 p.m., three days prior to the meeting.*

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Richard Wade

Ordinance 6295

Council Action: 5/31/2017

Description

Ordinance to amend Title 12 Council Bluffs Fire Code, by amended "Section 12.01.20-Section 3301.1.3 amended"

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Ordinance 6295	Ordinance	5/26/2017

ORDINANCE NO. 6295

AN ORDINANCE TO AMEND TITLE 12 COUNCIL BLUFFS FIRE CODE OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING “SECTION 12.01.200-SECTION 3301.1.3 AMENDED.”

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Title 12 “Council Bluffs Fire Code of the 2015 Municipal Code of Council Bluffs, Iowa, be and the same is hereby enacted by amending “Section 12.01.200-Section 3301.1.3 amended” to read as follows:

12.01.200-Section 3301.1.3 amended.

Section 3301.1.3 of the 2009 edition of the International Fire Code is hereby amended to read as follows:

Fireworks: The ~~possession, manufacture, storage, sale, handling and~~ use of fireworks are prohibited.

Exception: ~~The discharging of consumer fireworks that are permitted to be sold within the state of Iowa shall be permitted from July __ to July __ of each year and then again from December __ to January __ of the following year, during the permitted hours. For the purpose of this section, the permitted hours start at 12:00 p.m. and end at 10:00 p.m., unless it is the 4th of July or December 31st in which case discharging of the fireworks shall be permitted from 12:00 p.m. to 11:00 p.m.;~~

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

May 31, 2017.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 05-31-17
Second Consideration: 06-12-17
Public Hearing: N/A
Third Consideration: Waived

Council Communication

Department: City Clerk

Case/Project No.:

Submitted by:

Ordinance 6296

Council Action: 5/31/2017

Description

Ordinance to amend Chapter 4.50 Noise Control, by amending Section 4.50.060 "Prohibited Acts" subsection (J) entitled "Explosives, firearms and similar devices"

Background/Discussion

Recommendation

ATTACHMENTS:

Description

Ordinance 6296

Type

Ordinance

Upload Date

5/26/2017

ORDINANCE NO. 6296

AN ORDINANCE TO AMEND CHAPTER 4.50 NOISE CONTROL OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 4.50.060 “PROHIBITED ACTS” SUBSECTION (J) ENTITLED “EXPLOSIVES, FIREARMS AND SIMILAR DEVICES.”

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 4.50 Noise Control of the 2015 Municipal Code of Council Bluffs, Iowa, be and the same is hereby enacted by amending Section 4.50.060 “Prohibited Acts” subsection (j) entitled “Explosives, Firearms and Similar Devices” to read as follows:

15.21.020 – Prohibited Acts.

- (j) Explosives, Firearms and Similar Devices. The use or firing of explosives, firearms, fireworks or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way, without first obtaining a special variance issued pursuant to subsection 7.2 of [Section 4.50.070](#). Such permit need not be obtained for licensed game hunting activities on property where such activities are authorized. This subsection (j) shall not apply to any federal, state or local law enforcement agency or person in performance of official duty; **Exception: The discharging of consumer fireworks that are permitted to be sold within the state of Iowa shall be permitted from July __ to July __ of each year and then again from December __ to January __ of the following year, during the permitted hours. For the purpose of this section, the permitted hours start at 12:00 p.m. and end at 10:00 p.m., unless it is the 4th of July or December 31st in which case discharging of the fireworks shall be permitted from 12:00 p.m. to 11:00 p.m.;**

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

June 12, 2017.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 5-31-17
Second Consideration: 6-12-17
Public Hearing: N/A
Third Consideration: Waived

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Richard Wade

Resolution 17-115

Council Action: 5/31/2017

Description

Resolution regarding the sale of fireworks in Council Bluffs, Iowa.

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Resolution 17-115	Resolution	5/26/2017

RESOLUTION NO. 17-115

A RESOLUTION REGARDING THE SALE OF FIREWORKS IN COUNCIL BLUFFS, IOWA.

WHEREAS, The State of Iowa during the 2017 legislative session passed Senate File 489, which was subsequently signed by the Governor and became law. The new law allows the sale of fireworks throughout the State of Iowa from June 1 to July 8th and from December 10th to January 3rd of each year. This law also restricts political subdivisions of the state from passing any laws or taking any action that would prohibit the sale of fireworks within their jurisdiction; and

WHEREAS, In light of the change in the law, the City of Council Bluffs will allow such activity to be conducted within our city limits so long as the vendors of the fireworks and their proposed operations are consistent with the City's zoning ordinances, and if applicable, the City's regulations regarding transient merchants; and

WHEREAS, The State Fire Marshal has adopted Administrative Rules that allow local jurisdiction to inspect the sale locations of the fireworks for compliance with the State Code as part of the application process for a fireworks permit from the state. The local jurisdictions are permitted to charge a reasonable fee for said inspections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the City of Council Bluffs through its Fire Department will perform the inspection of all locations in the City applying for a fireworks permit from the State of Iowa.

BE IT FURTHER RESOLVED

That the Finance Director is directed to identify funds to implement the Capital Plan.

Each location will require a minimum of two inspections. The first occurs prior to any product being brought on site, and second after the product is in place to affirm that product is of the classification at the time indicated of the initial inspection. For these two inspections, the City will charge the applicant a total of \$150. If for any reason a re-inspection is required there will be an additional fee of \$75 per inspection.

As part of the Fire Department's review of each application, they will confer with the Community Development Department to confirm that the use is consistent with the location's zoning and that the location meets all other zoning regulations including sufficient parking to accommodate the square feet of retail space the applicant is requesting approval of.

When applicable, the Fire Department will confer that the City's Transient Merchant Regulations are being complied with through the City Clerk.

ADOPTED
AND
APPROVED

May 31, 2017.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk